

Attorney General

Analyst: Hoskins

Historical Summary

OPERATING BUDGET	FY 2019 Total App	FY 2019 Actual	FY 2020 Approp	FY 2021 Request	FY 2021 Gov Rec
BY PROGRAM					
State Legal Services	22,478,400	22,007,100	23,185,500	24,414,200	23,678,400
Internet Crimes Against Children	1,949,500	1,863,400	2,428,800	2,474,800	2,457,100
Special Litigation	890,700	530,200	890,700	890,700	890,700
Total:	25,318,600	24,400,700	26,505,000	27,779,700	27,026,200
BY FUND CATEGORY					
General	23,639,800	23,065,900	24,421,000	25,715,100	24,995,300
Dedicated	509,400	414,400	894,800	848,600	834,400
Federal	1,169,400	920,400	1,189,200	1,216,000	1,196,500
Total:	25,318,600	24,400,700	26,505,000	27,779,700	27,026,200
Percent Change:		(3.6%)	8.6%	4.8%	2.0%
BY OBJECT OF EXPENDITURE					
Personnel Costs	21,784,000	21,605,100	22,773,500	23,961,300	23,482,900
Operating Expenditures	2,452,500	1,744,900	2,570,600	2,617,500	2,514,900
Capital Outlay	293,400	264,500	264,700	304,700	132,200
Trustee/Benefit	788,700	786,200	896,200	896,200	896,200
Total:	25,318,600	24,400,700	26,505,000	27,779,700	27,026,200
Full-Time Positions (FTP)	210.60	210.60	214.10	219.10	218.10

Department Description

The Office of the Attorney General has three budgeted programs:

A) State Legal Services: As the state's chief legal officer, the Attorney General meets his or her constitutional and statutory responsibilities through the efforts of seven divisions within this program, including:

1. The Civil Litigation Division provides centralized representation in significant cases on behalf of the state's constitutional officers and any state agency or department. The division defends the state in tort claims, contract actions, employment claims, and actions brought against the judiciary and the Legislature.
2. The Consumer Protection Division enforces Idaho's consumer protection, telephone solicitation, charitable solicitation, and pay-per-telephone call statutes. The division also enforces and defends the state's Master Settlement Agreement with the tobacco industry.
3. The Contracts and Administrative Law Division provides legal services and centralized support for all state agencies in contract matters, including the negotiation, drafting, review, and monitoring of contracts. It also manages outside legal service contracts and provides administrative legal counsel to many state agencies, boards, commissions, and entities.
4. The Criminal Law Division represents the state in criminal appeals before the Idaho Supreme Court, the Idaho Court of Appeals, and in death penalty appeals in state or federal court. It also prosecutes Medicaid fraud within the state and provides prosecutorial and investigative assistance to counties statewide.
5. The Natural Resources Division provides advice and assistance to state officials on natural resource issues and environmental law.
6. The Health and Human Services Division provides legal representation to the Department of Health and Welfare, including the director, the Board of Health and Welfare, and the department's eight divisions.
7. The Administration and Budget Division is responsible for providing support services to the Office of the Attorney General, including payroll, accounts payable/receivable, budget, and computer and communication services.

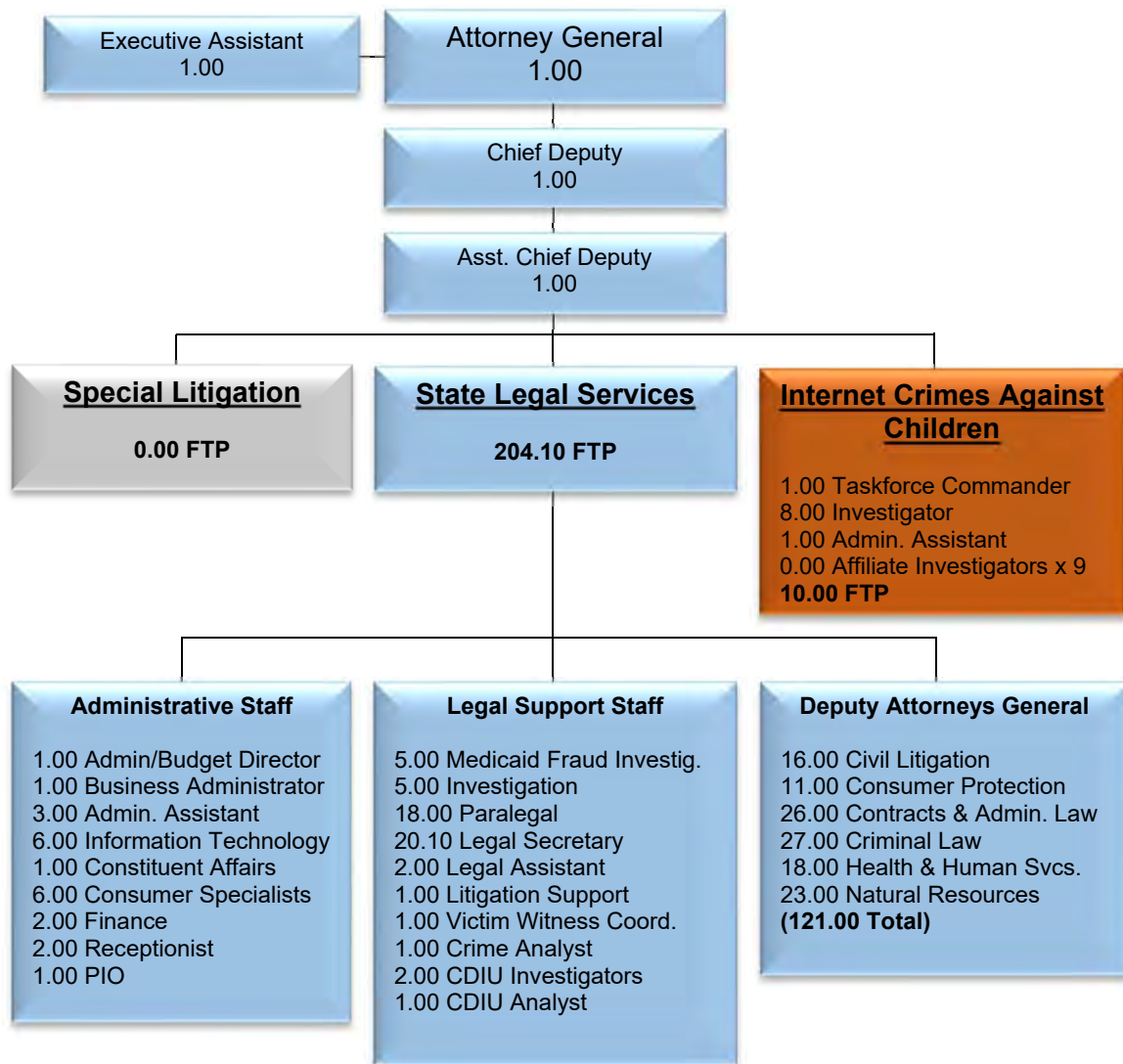
B) Internet Crimes Against Children: Partnering with local law enforcement entities, this program is responsible for the investigation and prosecution of offenders who use the internet, online systems, computer technology, cellular phones, smart phones, or mobile devices to sexually exploit children.

C) Special Litigation: The General Fund is used to retain private legal representation or consultants for extraordinary and/or unanticipated litigation when special expertise is needed, or when there is an ethical conflict of interest between governmental entities.

Attorney General Agency Profile

Analyst: Hoskins

Organizational Chart



214.10 FTP

6.50 Vacant as of November 1, 2019

Performance Report:

Pursuant to Section 67-1902(1), Idaho Code, constitutional officers are not required to submit annual performance reports to the Division of Financial Management.

Audit(s):
N/A

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FY 2019 Actual Expenditures by Division

			FTP	PC	OE	CO	T/B	LS	Total
0.30	FY 2019 Original Appropriation								
	0001-00	Gen	197.10	20,622,900	1,949,200	279,000	788,700	0	23,639,800
	0349-04	Ded	4.75	250,400	153,000	0	0	0	403,400
	0499-00	Ded	1.00	98,700	1,100	6,200	0	0	106,000
	0348-00	Fed	7.75	812,000	349,200	8,200	0	0	1,169,400
	Totals:		210.60	21,784,000	2,452,500	293,400	788,700	0	25,318,600
1.00	FY 2019 Total Appropriation								
	0001-00	Gen	197.10	20,622,900	1,949,200	279,000	788,700	0	23,639,800
	0349-04	Ded	4.75	250,400	153,000	0	0	0	403,400
	0499-00	Ded	1.00	98,700	1,100	6,200	0	0	106,000
	0348-00	Fed	7.75	812,000	349,200	8,200	0	0	1,169,400
	Totals:		210.60	21,784,000	2,452,500	293,400	788,700	0	25,318,600
1.21	Net Object Transfer								
	0001-00	Gen	0.00	(5,700)	5,700	0	0	0	0
	0348-00	Fed	0.00	0	(53,700)	200	53,500	0	0
	Totals:		0.00	(5,700)	(48,000)	200	53,500	0	0
1.61	Reverted Appropriation								
	0001-00	Gen	0.00	(116,600)	(376,300)	(27,700)	(53,300)	0	(573,900)
	0349-04	Ded	0.00	(3,600)	(89,400)	0	0	0	(93,000)
	0499-00	Ded	0.00	(600)	0	(1,400)	0	0	(2,000)
	0348-00	Fed	0.00	(52,400)	(193,900)	0	(2,700)	0	(249,000)
	Totals:		0.00	(173,200)	(659,600)	(29,100)	(56,000)	0	(917,900)
2.00	FY 2019 Actual Expenditures								
	0001-00	Gen	197.10	20,500,600	1,578,600	251,300	735,400	0	23,065,900
	General			20,500,600	1,578,600	251,300	735,400	0	23,065,900
	0349-04	Ded	4.75	246,800	63,600	0	0	0	310,400
	Consumer Protection			246,800	63,600	0	0	0	310,400
	0499-00	Ded	1.00	98,100	1,100	4,800	0	0	104,000
	Idaho Millennium Income			98,100	1,100	4,800	0	0	104,000
	0348-00	Fed	7.75	759,600	101,600	8,400	50,800	0	920,400
	Federal Grant			759,600	101,600	8,400	50,800	0	920,400
	Totals:		210.60	21,605,100	1,744,900	264,500	786,200	0	24,400,700
Difference: Actual Expenditures minus Total Appropriation									
	0001-00	Gen		(122,300)	(370,600)	(27,700)	(53,300)	0	(573,900)
	General			(0.6%)	(19.0%)	(9.9%)	(6.8%)	N/A	(2.4%)
	0349-04	Ded		(3,600)	(89,400)	0	0	0	(93,000)
	Consumer Protection			(1.4%)	(58.4%)	N/A	N/A	N/A	(23.1%)
	0499-00	Ded		(600)	0	(1,400)	0	0	(2,000)
	Idaho Millennium Income			(0.6%)	0.0%	(22.6%)	N/A	N/A	(1.9%)
	0348-00	Fed		(52,400)	(247,600)	200	50,800	0	(249,000)
	Federal Grant			(6.5%)	(70.9%)	2.4%	N/A	N/A	(21.3%)
	Difference From Total Approp			(178,900)	(707,600)	(28,900)	(2,500)	0	(917,900)
	Percent Diff From Total Approp			(0.8%)	(28.9%)	(9.9%)	(0.3%)	N/A	(3.6%)

Attorney General

Comparative Summary

Analyst: Hoskins

Decision Unit	Agency Request			Governor's Rec		
	FTP	General	Total	FTP	General	Total
FY 2020 Original Appropriation	214.10	24,421,000	26,505,000	214.10	24,421,000	26,505,000
Sick Leave Rate Reduction	0.00	0	0	0.00	(50,800)	(54,300)
FY 2020 Total Appropriation	214.10	24,421,000	26,505,000	214.10	24,370,200	26,450,700
Removal of Onetime Expenditures	0.00	(278,800)	(350,300)	0.00	(278,800)	(350,300)
Restore Ongoing Rescissions	0.00	0	0	0.00	50,800	54,300
FY 2021 Base	214.10	24,142,200	26,154,700	214.10	24,142,200	26,154,700
Benefit Costs	0.00	417,000	449,400	0.00	(115,700)	(122,700)
Replacement Items	0.00	314,400	321,100	0.00	128,100	128,100
Statewide Cost Allocation	0.00	17,900	17,900	0.00	17,900	17,900
Change in Employee Compensation	0.00	188,900	201,900	0.00	375,500	400,900
FY 2021 Program Maintenance	214.10	25,080,400	27,145,000	214.10	24,548,000	26,578,900
1. Deputy AG – Department of Labor	1.00	108,400	108,400	1.00	108,900	108,900
2. Deputy AG – DHW	1.00	108,400	108,400	0.00	0	0
3. Deputy AG – Department of Correction	1.00	108,400	108,400	1.00	108,900	108,900
4. Deputy AG – Civil Litigation	1.00	117,000	117,000	1.00	117,500	117,500
5. Deputy AG – ITD	1.00	108,400	108,400	1.00	108,900	108,900
6. Software Licensing – Office	0.00	30,100	30,100	0.00	0	0
7. PDF Software	0.00	18,800	18,800	0.00	0	0
8. Software Assurance – Enterprise	0.00	15,200	15,200	0.00	0	0
9. Software Licensing – Seamless Docs	0.00	20,000	20,000	0.00	0	0
OITS 1 – Operating Costs	0.00	0	0	0.00	3,100	3,100
Budget Law Exemptions	0.00	0	0	0.00	0	0
FY 2021 Total	219.10	25,715,100	27,779,700	218.10	24,995,300	27,026,200
Change from Original Appropriation	5.00	1,294,100	1,274,700	4.00	574,300	521,200
% Change from Original Appropriation		5.3%	4.8%		2.4%	2.0%

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Budget by Decision Unit	FTP	General	Dedicated	Federal	Total
FY 2020 Original Appropriation					
The Legislature funded six line items for FY 2020: These included \$73,200 for e-discovery software; \$65,000 for data backup; 0.50 FTP and \$27,100 for an administrative assistant's increase in hours; 3.00 FTP and \$330,400 for a Criminal Disability Investigations Unit; \$118,900 for an affiliate investigator in the Idaho Falls Police Department; and a net-zero transfer of 1.00 FTP and \$275,000 in federal funds from the State Legal Services Program to the Internet Crimes Against Children (ICAC) Program in order to align the appropriation for the ICAC Taskforce Commander with the agency's budget structure.					
	214.10	24,421,000	894,800	1,189,200	26,505,000
Sick Leave Rate Reduction					
Agency Request	0.00	0	0	0	0
<i>The Governor recommends a six-month reduction of funding for employers who contribute to the PERSI-managed sick leave plan. This reduction will begin to draw down the reserve balance, which has grown significantly during the past several years.</i>					
Governor's Recommendation	0.00	(50,800)	(1,500)	(2,000)	(54,300)
FY 2020 Total Appropriation					
Agency Request	214.10	24,421,000	894,800	1,189,200	26,505,000
Governor's Recommendation	214.10	24,370,200	893,300	1,187,200	26,450,700
Removal of Onetime Expenditures					
This decision unit removes amounts appropriated in FY 2020 for replacement items (\$261,700) and onetime portions of line items (\$88,600).					
Agency Request	0.00	(278,800)	(68,200)	(3,300)	(350,300)
Governor's Recommendation	0.00	(278,800)	(68,200)	(3,300)	(350,300)
Restore Ongoing Rescissions					
Agency Request	0.00	0	0	0	0
<i>The Governor recommends restoration of the sick leave rate reduction.</i>					
Governor's Recommendation	0.00	50,800	1,500	2,000	54,300
FY 2021 Base					
Agency Request	214.10	24,142,200	826,600	1,185,900	26,154,700
Governor's Recommendation	214.10	24,142,200	826,600	1,185,900	26,154,700
Benefit Costs					
Employer-paid benefit changes include an 18.9% increase (or \$2,200 per eligible FTP) for health insurance, bringing the total appropriation to \$13,850 per FTP. Also included are a one-year elimination of the unemployment insurance rate, a restoration of the Division of Human Resources rate, and adjustments to workers' compensation that vary by agency.					
Agency Request	0.00	417,000	16,400	16,000	449,400
<i>The Governor recommends no increase for health insurance due to fewer claims than expected and changes to federal tax policies; a one-year elimination of the sick leave rate and the unemployment insurance rate; restoration of the Division of Human Resources rate; and adjustments for workers' compensation rates.</i>					
Governor's Recommendation	0.00	(115,700)	(2,800)	(4,200)	(122,700)
Replacement Items					
Requested replacement items include \$98,200 for computer equipment; \$10,000 for HVAC equipment; \$23,900 for IT licenses; \$99,000 for IT networking equipment; and \$90,000 for IT storage equipment.					
Agency Request	0.00	314,400	0	6,700	321,100
<i>The Governor does not recommend the requested replacement items for the State Legal Services Program but does recommend the portion for the Internet Crimes Against Children Program, which includes \$24,700 for computer equipment, \$3,400 for IT licenses, \$10,000 for IT networking equipment, and \$90,000 for IT storage equipment.</i>					
Governor's Recommendation	0.00	128,100	0	0	128,100

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Budget by Decision Unit	FTP	General	Dedicated	Federal	Total
Statewide Cost Allocation					
This request includes adjustments to recover the cost of services provided by other agencies in accordance with federal and state guidelines on cost allocation. Risk management costs will increase by \$6,000 and State Controller fees will increase by \$11,900, for a net increase of \$17,900.					
Agency Request	0.00	17,900	0	0	17,900
Governor's Recommendation	0.00	17,900	0	0	17,900

Change in Employee Compensation

For calculation purposes, agencies were directed to include the cost of a 1% salary increase for permanent and temporary employees.

Agency Request	0.00	188,900	5,600	7,400	201,900
<i>The Governor recommends a 2% increase in employee compensation, distributed on merit. He does not recommend a compensation increase for group and temporary positions.</i>					
Governor's Recommendation	0.00	375,500	10,600	14,800	400,900

FY 2021 Program Maintenance

Agency Request	214.10	25,080,400	848,600	1,216,000	27,145,000
Governor's Recommendation	214.10	24,548,000	834,400	1,196,500	26,578,900

1. Deputy AG – Department of Labor

State Legal Services

This request is for 1.00 FTP and \$108,400 ongoing from the General Fund to hire a deputy attorney general (DAG) to assist the Department of Labor. Of the total amount requested, \$107,300 is in personnel costs for salary and benefits, and \$1,100 is in operating expenditures for Idaho State Bar dues and access to legal research services. The department had three DAGs assigned to it until FY 2017, the year in which the department unilaterally requested to have its allocation reduced to two in order to generate salary savings. According to the department, the legal workload has since increased due to the number of appeals to the Idaho Supreme Court, activities related to the state's new HP campus, and a Job Corps project funded by the United State Department of Labor. The department would be billed for this position through the standard Statewide Cost Allocation Plan (SWCAP) and its allocated costs for Attorney General fees could increase in FY 2023. The department expects such an increase to be allocated 90% to the Federal Grant Fund and 10% to the General Fund.

Agency Request	1.00	108,400	0	0	108,400
<i>Recommended by the Governor with changes for benefits and compensation.</i>					
Governor's Recommendation	1.00	108,900	0	0	108,900

2. Deputy AG – DHW

State Legal Services

The Attorney General requests 1.00 FTP and \$108,400 ongoing from the General Fund to hire a deputy attorney general (DAG) to assist the Department of Health and Welfare in its Operational Services Division. Of the total amount requested, \$107,300 is in personnel costs for salary and benefits, and \$1,100 is in operating expenditures for Idaho State Bar dues and access to legal research services. Though the department currently has 18.00 DAGs assigned to it, the Operational Services Division is the department's only division that does not currently have a full-time DAG dedicated to it. Instead, this division's legal workload is managed by the Attorney General's Health and Human Services division chief. According to the department, the Operational Services Division has a significant, time-sensitive workload which requires specialized expertise in the areas of state procurement, contracting, and business law. The department believes the current workload arrangement is not sustainable on a long-term basis. The department would be billed for this position through the standard Statewide Cost Allocation Plan (SWCAP) and its allocated costs for Attorney General fees could increase in FY 2023. The department expects such an increase to be allocated 45% to the Federal Grant Fund and 55% to the General Fund.

NOTE: After the revision deadline but prior to publication, the Attorney General notified LSO that this line item is no longer needed, as existing appropriation was used to fill the position in the current year.

Agency Request	1.00	108,400	0	0	108,400
<i>Not recommended by the Governor.</i>					
Governor's Recommendation	0.00	0	0	0	0

Attorney General

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Budget by Decision Unit	FTP	General	Dedicated	Federal	Total
3. Deputy AG – Department of Correction			State Legal Services		
This request is for 1.00 FTP and \$108,400 ongoing from the General Fund to hire a deputy attorney general (DAG) to assist the Department of Correction. Of the total amount requested, \$107,300 is in personnel costs for salary and benefits, and \$1,100 is in operating expenditures for Idaho State Bar dues and access to legal research services. There are currently four DAGs assigned to the department. Additionally, the Attorney General's Civil Litigation Division has augmented the department's legal staff with the assignment of two DAGs to assist with the Balla class action lawsuit. The number of DAGs assigned to the department has not increased for approximately 19 years. The department included an additional DAG in its FY 2019 budget request, but it was neither recommended by the Governor nor funded by the Legislature. According to the department, the growth of offenders in prison and in the community, as well as the growth of its workforce, has increased the demand for legal services. The department further believes that there would still be a demand for additional legal services even if the Balla litigation ended immediately. The department would be billed for this position through the standard Statewide Cost Allocation Plan (SWCAP) and its allocated costs for Attorney General fees could increase in FY 2023. The department expects such an increase to be allocated 1.3% to dedicated funds and 98.7% to the General Fund.					
Agency Request	1.00	108,400	0	0	108,400
Recommended by the Governor with changes for benefits and compensation.					
Governor's Recommendation	1.00	108,900	0	0	108,900
4. Deputy AG – Civil Litigation			State Legal Services		
The Attorney General requests 1.00 FTP and \$117,000 from the General Fund to hire a deputy attorney general (DAG) to assist the Board of Nursing and the Board of Pharmacy with the litigation of disciplinary cases. Of the total amount requested, \$107,300 is in ongoing personnel costs for salary and benefits; \$1,600 is in ongoing operating expenditures for Idaho State Bar dues, access to legal research services, and software licensing; \$600 is in onetime operating expenditures for software purchases; and \$7,500 is in onetime capital outlay for computer equipment and office furniture. Currently, the boards' disciplinary litigation is absorbed in the workloads of three DAGs in the Attorney General's Civil Litigation Division. According to the Attorney General, a dedicated DAG could enhance the collaboration between boards, decrease redundancy, and streamline information gathering and analysis. The boards would be billed for this position through the standard Statewide Cost Allocation Plan (SWCAP) and its allocated costs for Attorney General fees could increase in FY 2023. The Attorney General expects such an increase to be allocated entirely to dedicated funds.					
Agency Request	1.00	117,000	0	0	117,000
Recommended by the Governor with changes for benefits and compensation.					
Governor's Recommendation	1.00	117,500	0	0	117,500
5. Deputy AG – ITD			State Legal Services		
This request is for 1.00 FTP and \$108,400 ongoing from the General Fund to hire a deputy attorney general (DAG) to assist the Idaho Transportation Department. Of the total amount requested, \$107,300 is in personnel costs for salary and benefits, and \$1,100 is in operating expenditures for Idaho State Bar dues and access to legal research services. There are currently five DAGs assigned to the department. According to the department, a large number of construction projects over the next five years will increase the need for legal representation in condemnation cases. The department would be billed for this position through the standard Statewide Cost Allocation Plan (SWCAP) and its allocated costs for Attorney General fees could increase in FY 2023. The department expects such an increase to be allocated entirely to dedicated funds.					
Agency Request	1.00	108,400	0	0	108,400
Recommended by the Governor with changes for benefits and compensation.					
Governor's Recommendation	1.00	108,900	0	0	108,900

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Budget by Decision Unit	FTP	General	Dedicated	Federal	Total
6. Software Licensing – Office					State Legal Services
The Attorney General requests \$30,100 in ongoing operating expenditures from the General Fund to purchase annual licensing for Microsoft Office 365 software that was funded as a replacement item for FY 2020. According to the agency, the software complies with federal requirements for cloud services and requirements for criminal justice systems.					
Agency Request	0.00	30,100	0	0	30,100
<i>Not recommended by the Governor.</i>					
Governor's Recommendation	0.00	0	0	0	0
7. PDF Software					State Legal Services
This request is for \$18,800 in onetime operating expenditures from the General Fund to purchase Adobe Acrobat Professional software. According to the agency, PDF software is utilized as a core component of its legal workflow. However, its current PDF software does not have an editing feature. The requested software provides advanced editing functionality.					
Agency Request	0.00	18,800	0	0	18,800
<i>Not recommended by the Governor.</i>					
Governor's Recommendation	0.00	0	0	0	0
8. Software Assurance – Enterprise					State Legal Services
The Attorney General requests \$15,200 in ongoing operating expenditures from the General Fund to purchase annual software assurance for its Windows Enterprise software, which provides security to its workstations. According to the agency, the software assurance will upgrade its current workstation software and cover future upgrades at no additional cost.					
Agency Request	0.00	15,200	0	0	15,200
<i>Not recommended by the Governor.</i>					
Governor's Recommendation	0.00	0	0	0	0
9. Software Licensing – Seamless Docs					State Legal Services
This request is for \$20,000 in ongoing operating expenditures from the General Fund to purchase and license Seamless Docs, which is software for forms and templates. According to the agency, it maintains hundreds of forms and templates for a variety of needs but the technical support for its current software, Adobe LiveCycle, has been discontinued. The requested software has additional functionality that will help automate workflows and meet ADA compliance, which is critical for forms published on the Attorney General's website. Licensing for this software is annual and covers up to five users.					
Agency Request	0.00	20,000	0	0	20,000
<i>Not recommended by the Governor.</i>					
Governor's Recommendation	0.00	0	0	0	0
OITS 1 – Operating Costs					
Agency Request	0.00	0	0	0	0
<i>The Governor recommends this agency's share of ongoing funding to pay the Office of Information Technology Services for security software and data center office space located at the Chinden Campus.</i>					
Governor's Recommendation	0.00	3,100	0	0	3,100
Budget Law Exemptions					
LUMP SUM: The agency requests an appropriation that is exempt from Section 67-3511, Idaho Code, which restricts the transfer of appropriation between programs and among personnel costs, operating expenditures, capital outlay, and trustee and benefit payments. This authority requires legislative approval.					
Agency Request	0.00	0	0	0	0
Governor's Recommendation	0.00	0	0	0	0
FY 2021 Total					
Agency Request	219.10	25,715,100	848,600	1,216,000	27,779,700
Governor's Recommendation	218.10	24,995,300	834,400	1,196,500	27,026,200

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Budget by Decision Unit	FTP	General	Dedicated	Federal	Total
Agency Request					
Change from Original App	5.00	1,294,100	(46,200)	26,800	1,274,700
% Change from Original App	2.3%	5.3%	(5.2%)	2.3%	4.8%
Governor's Recommendation					
Change from Original App	4.00	574,300	(60,400)	7,300	521,200
% Change from Original App	1.9%	2.4%	(6.8%)	0.6%	2.0%